









Authors: Lejla Gačanica

Research methodology expert: Snježana Milivojević

Research methodology expert and editor: Stefan Janjić

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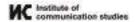
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MONITORING REPORT ON HATE SPEECH IN BIH

LEJLA GAČANICA

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Introduction

Hate speech in the media in Bosnia and Herzegovina (BiH) is represented in different forms, in different frequencies, and different intensities, but what is common, for all cases covered by this monitoring, is that it always it always uses personal characteristics with the goal of targeting individuals and groups. Using public space, especially online, hate speech is being introduced as an unauthorised and almost normalised phenomenon.

While the grounds for spreading these narratives have been repeated for years through hatred between ethnic groups and gender characteristics, a new wave of hatred has developed towards migrants. Creating Otherness in every diversity that deviates from dominant narratives and social norms is no longer just a part of the work of certain media outlets, but now becomes the basic goal. For example, the Antimigrant.ba portal continuously reports on migrants in BiH, using hate speech and insulting words, inciting violence. Another example of persistent offensive reporting is the Ekran.ba portal, which reports on events from public and political life and their actors (and more often female actors), using very rude and offensive words such as "starlet journalist", "sponsor", etc.

In understanding the existing hate speech in the media, it is necessary to consider the formats in which it occurs, the consequences it causes, but certainly whether there is an appropriate response. While legislation in BiH is not harmonised with the EU acquis, existing legal and regulatory mechanisms still do not provide sufficient protection or efficient regulation of hate speech in the media. The prohibition of hate speech in online media is not monitored nor enforced. The European Commission in its annual country report emphasises that authorities in BiH need to take concrete measures to counter hate speech, particularly in official discourse.¹

This research paper deals with the analysis of media monitoring in BiH, conducted by the Centre for Investigative Journalism. The aim of the monitoring was to identify cases of hate speech, to classify against whom (on what basis) they are directed, which actions they contain, in what format they appear and from whom they come and where they are placed. The monitoring followed topics and issues of interest to BiH, which indicated in some cases that hate speech appeared in the media from the Western Balkans region but on topics in BiH. As expected, certain forms of hate speech are continuously retained in the BiH public sphere, and coherently monitor socio-political events. However, some forms of hate speech are evolving very quickly in response to social events, using online platforms such as Facebook and Twitter profiles and the ability to comment on both online media and on social networks. The hate speech that this monitoring analysis has dealt with has a very adaptable nature and reaches a large number of users by creating and maintaining harmful and exclusive narratives about groups and individuals.

European Commission (2021), Bosnia and Herzegovina 2021 Report.
 https://ec.europa.eu/neighbourhood-enlargement/bosnia-and-berzegovina-report-2021.en



Methodological approach

Monitoring was conducted from January 1, 2021, while this report also includes the pilot monitoring period - two weeks in October 2020. The process is still ongoing, but for the need of this research, it was limited to the 100 registered cases, sorted chronologically (ending in March 2022).

This research paper will focus mainly on patterns and examples of hate speech in media, examining the following questions:

Who are the most common targets?
What are the main ideas and messages behind hate speech cases?
What actors and events serve as main generators of hate and disinformation narratives?
What are the reactions?

This research applies the concept of hate (speech) and propaganda in media and communication in broader sociological terms and not limited to legal concepts. In this research, analyses of hate narratives are not limited to narrow legal definitions of hate speech. In this research, analyses of hate narratives are not limited to unlawful hate speech (incitement to hatred) nor by characteristics for identifying an individual or group as the target of hate speech to those protected by narrow legal definitions of hate speech. Hate speech targets people, as individuals or groups, because of who they are.

The monitoring was performed by a journalist from the Centre for Investigative Reporting, applying a monitoring tool developed for the purposes of this research. Monitoring included various media formats, including comments on social media. However, less attention is paid to comments on social networks, and more to the statements of politicians (officials) and other public figures, because it is considered that their influence is greater. Oral and written statements of public figures, journalistic articles, comments and posts on social networks, as well as photographs that may contain offensive messages, were monitored.

Special attention is paid to the recording of recurring incidents, i.e. hate speech that is repeated by certain individuals / collectives. Monitoring of hate speech was done in several ways:

- · Non-selective searches reveal articles or statements that contain hate speech
- Targeted monitoring of identified media and persons with continuous monitoring and identification of hate speech.

Legal framework for hate speech in Bosnia and Herzegovina

Legal framework for hate speech in BiH is uneven and quite fragmented. It is necessary to keep in mind the levels of laws ranging from state to cantonal, and the different types of laws governing this area. The BiH's Criminal code itself does not provide an explicit definition of hate speech, and regulates it through several different articles, while other laws vary from the prohibition of discrimination to the explicit prohibition of hate speech in the election law.

Such regulation has partly caused a low level of sanctioning of hate speech in public space in BiH. Judicial practice for hate speech crimes in BiH is still not regular, and cases in which the criminal offense of inciting national, racial and religious hatred, discord and intolerance has been established are even less represented in court practice. Research² shows that all the practice of processing hate speech cases from 2004 to April 2019 refers only to the criminal offense of Provoking national, racial and religious hatred, discord and intolerance in all criminal laws in BiH. Only 14 people were found guilty of this crime in the period 2004-2021. In relation to the persons found guilty of this criminal offense, hate speech was registered as: six perpetrators committed the criminal offense through offensive content in a public place; three perpetrators committed the crime via social media (their Facebook profiles), one perpetrator via the website, two perpetrators with graffiti and damaging a religious building, one perpetrator with a letter of insulting content left in front of a religious institution and one by distributing insulting leaflets in front of a primary school.

However, the low level of prosecution does not mean that there is no hate speech in public space in BiH. Therefore, this monitoring is an important tool for identifying not only the forms in which hate speech occurs but also the actors that make them up and the space in which it occurs.

The following is a brief overview of the legal framework for hate speech in BiH, and regulatory and self-regulatory regulations.

Legal framework

Criminal codes in BiH provides quite uniform framework for hate speech on state and entity/Brčko District level. All four criminal codes³ prescribes as criminal offence "Whoever publicly incites or inflames national, racial or religious hatred, discord or intolerance between the constituent peoples and others, or anyone else living or residing in Bosnia and Herzegovina". In addition to this, the Criminal Code of the Federation of BiH (Article 363, paragraph 2) and the Criminal Code of the Brčko District of BiH (Article 357, paragraph 2) prohibits the criminal offense of endangering public order through the medium of radio or television in a way that, in gross violation of the standards of professional conduct of the media and journalists, uses inflammatory language, hate speech or speech that obviously calls for or incites violence, national or ethnic conflicts and thus lead to endangering public order or peace.

Criminal code of the BiH regulates the prohibition of officials or responsible persons in the institutions of BiH to deny or restrict civil rights. Entity criminal laws (FBiH Article 177, paragraph 1) and 2), RS Article 193, paragraph 1) - 3)) use a broader ban and apply to all persons, while for officials a qualified punishment is prescribed. However, there is a difference between the entity criminal laws in the list of prohibited grounds: the RS Criminal Code has a broader list of grounds and includes sex, gender or gender identity, sexual orientation, while the FBiH Criminal Code focuses on gender and sexual orientation. Of all four codes, only the Criminal Code of the RS in paragraph 3 of Article 193 prescribes a ban on those who persecute persons or organizations for their advocacy for equality of people.

Ferhatović Amila and Trlin Davor (2019.), Krivičnopravni aspekt govora mržnje kao zloupotreba prava na slobodu izražavanja, Sarajevo: Pregled, časopis za društvena pitanja, god. LX, br. 2.

^{3.} Criminal Code of BiH. Criminal Code of the Bröko District of BiH. Criminal Code Republic Sroska. Criminal Code of the Federation of BiH.

Important novelty in BiH's criminal law was introduced in 2021, when High Representative imposed Decision on enacting the Law on Amendment to the Criminal Code of Bosnia and Herzegovina.⁴ By this amendment as criminal offence, in addition to Article 145a (Provoking national, racial and religious hatred, discord and intolerance) is now prescribed:

- Whoever condones, denies, grossly trivializes or tries to justify a crime of genocide, crimes against humanity or a
 war crime established by a final adjudication pursuant to the Charter of the International Military Tribunal append
 ed to the London Agreement of 8 August 1945 or by the International Criminal Tribunal for the former Yugoslavia
 or the International Criminal Court or a court in Bosnia and Herzegovina, directed against a group of persons or a
 member of such a group defined by reference to race, colour, religion, descent or national or ethnic origin, when
 the conduct is carried out in a manner likely to incite to violence or hatred against such a group or a member of
 such a group;
- Whoever gives a recognition, award, memorial, any kind of memento, or any privilege or similar to a person sentenced by a final judgement for genocide, crimes against humanity or a war crime, or names a public object such as a street, square, park, bridge, an institution, building, municipality or a city or similar, or registers a brand, after or under a name of a person sentenced by a final judgement for genocide, crimes against humanity or a war crime, or whoever glorifies a person sentenced by a final judgement for genocide, crimes against humanity or a war crime in any way;
- In the case of officials, persons responsible or employed in government institutions or any bodies financed from the public budget more severe punishment of denials, trivialization, or justification is prescribed.

Hate speech is also regulated within other civil laws. This includes:

Law on Prohibition of Discrimination,5 which does not have special provisions on hate speech, but it does contains a prohibition of discrimination and harassment, which is also interpreted in the context of hate speech.

Election Law of BiH,6 where in Art. 7.3, par. 1.7 is regulated that candidates and supporters of political parties, lists of independent candidates, lists of members of national ones minority and coalition, as well as independent candidates and their supporters, and employees or otherwise those involved in the election administration are not allowed to use a language that could indicate someone or incite violence or the spread of hatred, or publish or use images, symbols, audio and video recordings, SMS messages, internet communications or other materials that can do so.

The Law on Freedom of Religion and Legal Status of Churches and Religious Communities in BiH in Art. 5 prohibits any discrimination based on religion or belief, and specifies as prohibited activities or acts those aimed at inciting religious hatred against any Church or religious community or their members.

Laws on public order and peace in BiH regulate the prohibition of hate speech exist on entity level and cantonal level, and to varying degrees. In some cases, include list of prohibited grounds (such as sex, sexual orientation, language, education, social status).

Laws on the Prohibition of violence and misconduct at sports events exist at the level of the Republic Srpska and in the cantons in the Federation of BiH. The scope of their regulation is uniform and includes prohibition of display of banners, flags or others things objects with text, images, signs or other features that express or incite hatred or violence based on racial, national or religious affiliation or on any other basis. State Law on Sports of BiH in Art. 9 prescribes the prohibition of inciting hatred and intolerance on the basis of national or ethnic affiliation, skin colour, religious, political or other beliefs, gender, sexual orientation, disability, gender identity, language or other personal characteristics.

^{4.} Decision on Enacting the Law on Amendment to the Criminal Code of Bosnia and Herzegovina,

 $[\]underline{\text{http://www.ohr.int/hrs-decision-on-enacting-the-law-on-amendment-to-the-criminal-code-of-bosnia-and-herzegovina/linearing-the-law-on-amendment-to-the-criminal-code-of-bosnia-and-herzegovina/linearing-the-law-on-amendment-to-the-criminal-code-of-bosnia-and-herzegovina/linearing-the-law-on-amendment-to-the-criminal-code-of-bosnia-and-herzegovina/linearing-the-law-on-amendment-to-the-criminal-code-of-bosnia-and-herzegovina/linearing-the-law-on-amendment-to-the-criminal-code-of-bosnia-and-herzegovina/linearing-the-law-on-amendment-to-the-criminal-code-of-bosnia-and-herzegovina/linearing-the-law-on-amendment-to-the-criminal-code-of-bosnia-and-herzegovina/linearing-the-law-on-amendment-to-the-criminal-code-of-bosnia-and-herzegovina/linearing-the-law-on-amendment-to-the-criminal-code-of-bosnia-and-herzegovina/linearing-the-law-on-amendment-to-the-criminal-code-of-bosnia-and-herzegovina-and-herzegov$

^{5.} Available at: https://www.osce.org/mission-to-bosnia-and-herzegovina/378832

^{6.} Available at: https://www.izbori.ba/Documents/documents/English/Laws/BIHElectionlaw.pdf

Media regulation framework

Public space certainly includes media space and therefore specific provisions related to hate speech are relevant to understanding the regulatory framework.

Code on audio-visual media services and radio media services⁷ in Art.4 regulates explicitly hate speech establishing obligation for audio-visual media services and radio media services not to humiliate, intimidate or incite to hatred, violence or discrimination against persons or groups based on gender, race, ethnicity, nationality, religion or belief, disability, special needs, age, sexual orientation, social origin or any other consequence with the purpose of preventing or jeopardizing recognition, enjoyment or exercise of any person's rights and freedoms on equal basis.

Print and online Media Code of BiH⁸ represent self-regulation document which also stipulate prohibition of hate speech. In Art. 4 "Hate Speech and Inflammatory Speech", this document prescribe obligation for journalists, editors, and publishers "shall do their utmost not to inflame and/or instigate hatred and/or inequality based on ethnicity, nationality, race, religion, gender, sexual orientation, physical disability, or mental state. When reporting on events having elements of hate based on ethnicity, nationality, race, religion, gender, sexual orientation, physical disability, or mental state, journalists and editors shall particularly make sure not to contribute to spreading hatred. Journalists shall under no circumstances incite to criminal offences or violence".

Comparing to criminal and civil code prosecution, media regulation and self-regulation shows higher number of hate speech cases. This is in particular relevant for Print and Online Media Council in BiH, however it should be emphasised that this is a self-regulatory body and impact of its recommendations is limited. As results of monitoring in this report shows, hate speech is omnipresent in media and solutions, including implementation of legal framework and/or its improvement, are necessary in BiH. Self-regulation, at this point, just is not sufficient.

Hate speech narratives and sub-narratives

In the period October 2020 - March 2022, 100 cases of hate speech were registered by media monitoring. No specific phases in which hate speech was more pronounced in the media, but an inspection of the records shows that in each calendar month several cases of hate speech were regularly registered, varying in forms, types, perpetrators.

Hate speech was most often targeted towards ethnic, gender and migrant identities. It was aimed at both individuals and groups as abstract communities that share a certain personal characteristic (women, migrants, LGBTQ+ people). Regardless of the basis for hate speech, the goal was to create a hostile environment and/or attitude towards the target. In some cases, these hateful narratives were issued as organised ongoing campaigns, creating an inflammatory and intolerant atmosphere in the community It is interesting to note that in addition to the existing ethnic narratives (relations between Bosniaks, Croats and Serbs), migrants have rapidly and systematically become 'othered' in BiH.

^{7.} Available at: <u>https://rak.ba/en/articles/108</u>

^{8.} Available at: https://www.vzs.ba/images/2022/Press and Online Media Code of BiH eng.pdf

Ethnic discrimination, Racism, Xenophobia

The International Convention on the Elimination of All Forms of Racial Discrimination defines racial discrimination as distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life⁹. Ethnic discrimination, racism and xenophobia are rooted in beliefs and promotes the idea of superiority of one race or group of persons of one skin colour or ethnic origin over another, or in attempt to justify or promote racial hatred and discrimination in any form. In BiH, ethnicity is often present as a grounds for discrimination and hate speech, having in mind deep ethnic divisions and post-conflict context. It is visible among three constituent people – Bosniaks, Croats and Serbs, however it is also present towards Jews, Roma (as national minorities) as well as others outside of the dominant ethnic group. Based on stereotypical notions, but also heavily supported by the political mainstream, ethnicity remains strong ground for hate speech among different actors, including various age groups, affiliations, and territory. Forms of hate speech based on ethnicity can be recognised as making available insulting material to the public, ethnic motivated threats and ethnic motivated insults.

Hate speech based on ethnicity is the most common form in the review of identified cases. Out of 100 cases of hate speech, those based on ethnicity represent 34 cases (34%). Other than that, ethnicity appears in combination with other grounds, most often in combination with gender and in relation with migrants/refugees. Figures show that hate speech was mostly against Bosniaks and migrants (6 cases per category), followed by hate speech against Serbs, Muslims and genocide victims (3 cases per category). It is interesting that not only members of ethnic groups were targeted by hate speech but also professionals working or helping specific groups, such as activists working with migrants (2 cases) and journalists reporting on certain topics (2 cases). In one case, hate speech addressed Srđan Aleksić, while another was directed at multi-ethnic marriages. This shows how wide the range of forms and targets of ethnic-based hate speech are, including not only individuals and groups but also attacks against the idea of tolerance and multi-ethnic principles.



Graph 1: Number of ethnic based hate speech cases towards the individuals or groups against whom it is directed

Monitoring results indicate that ethnic hate speech was most prevalent until mid-2021 when intensity declines. This finding corresponds to the imposition of amendments to the Criminal Code of BiH, which prescribe as a criminal offense the denial, trivialisation, glorification and justification of a crime of genocide, crimes against humanity or a war crime. This is related to this monitoring's recorded hate speech against Bosniaks, Serbs, Muslims and Srebrenica genocide victims. Analysis of Twitter posts and media reports conducted by the Balkan Investigative Reporting Network in Bosnia (BIRN BiH)¹⁰ also showed that genocide denial decreased after new regulation came into force.

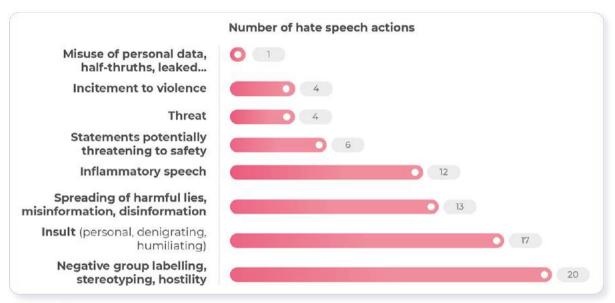
^{9.} International Convention on the Elimination of All Forms of Racial Discrimination, UN General Assembly resolution 2106, 1965, https://www.obchrorg/en/instruments-mechanisms/instruments/international-convention-elimination-all-forms-racial

^{10.} BIRN BiH has been following Twitter posts containing the words "genocide" or "Srebrenica" and recording those from BiH containing genocide denial from the moment Inzko imposed the amendments.

The number of Twitter posts dropped from 70 on July 23 to four on Sunday, August 1st (2021), while the number of statements by officials denying or downplaying the Srebrenica genocide also decreased.¹¹

Another contextual factor for ethnic-based and racial hate speech are migration flows within BiH and extremely negative public discourse about people on the move. This will be elaborated under subtitle 3.3. Migrants and refugees.

Forms of hate speech within this ethnic-based category included: insult, threat, negative group labelling, spreading of harmful lies, misinformation, disinformation, and statements potentially threatening to safety, incitement to violence, inflammatory speech and misuse of personal data. These different forms of hate speech (i.e. the type of act) are most often recorded in combined use instances are rarely recorded as just one type per identified case. Therefore, the recorded number of categories of hate speech is greater than the number of individual cases. Therefore, the record of actions within one piece of content reported in total is much larger than the number of cases. The most common recorded act of hate speech regarding ethnicity and combined ethnicity and migrants is negative group labelling, stereotyping, hostility (20 cases), while the least present is misuse of personal data (1 case).



Graph 2: Number of hate speech actions per reported cases

Some of examples of ethnic-based hate speech are:

- Commenting on the verdict against Ratko Mladić, the Mayor of Srebrenica denied that genocide took place in the town, which was confirmed through several court verdicts: "Thus, the Hague Tribunal showed the reason for its formation - to accuse the Serbian people, to declare them genocidal or guilty of something they did not commit." 12
- Commenting on the verdict against Ratko Mladić, BiH Presidency member and leader of the Alliance of Independent Social Democrats Milorad Dodik denied that genocide was committed in Srebrenica: "There is an attempt to create a myth about genocide in Srebrenica, but there was no genocide." ¹³

^{11.} Pekmez, I. and Kulogija, N. Smanjeno negiranje genocida u medijima i na Twitteru nakon Inzkove odluke. Detektor.ba, 2021, https://detektor.ba/2021/08/03/smanjeno-negiranje-genocida-u-medijima-i-na-twitteru-nakon-inzkove-odluke/

^{12.} Presuda Mladiću je sramna, neće doprineti pomirenju u BiH, kurir.rs, 15.06.2021.

https://www.kurir.rs/vesti/politika/3709263/predsednik-opstine-srebrenica-mladen-grujicic-presuda-mladicu-je-sramna-nece-doprineti-pomirenju-u-bih

Dodik o presudi Mladiću: 'To je još jedan pokazatelj da je sud provodio selektivnu pravdu', 24sata.hr, 8.6.2021.
 https://www.24sata.hr/news/dodik-o-presudi-mladicu-to-ie-jos-jedan-pokazatelj-da-je-sud-provodio-selektivnu-pravdu-766831

- Nemanja Jovičić is from East Sarajevo, from Pale, approximately. His father and most of his family members were
 members of the VRS. His old man took part in the siege of Sarajevo. If it was just a siege. It was also massacres,
 killings, shelling, starvation of children and other residents of Sarajevo. Now the son of a member of the VRS, the
 one who shot at Sarajevo, is studying in Sarajevo and is the president of the Student Association of the Faculty of
 Health Studies."
- Reader comment to news about conflict between migrants and locals: "This cigići are disgusting". 14

Gender

Based on unequal power positions and persistent misogyny, sexism is a manifestation of historically unequal power relations between women and men, which leads to discrimination and prevents the full advancement of women in society. Hate speech in that regard, is just another form of breaching principles of gender equality, also representing a way of gender based violence. It is important to recall that the gravity of hate speech is visible by targeting women both on account of their sex, gender and/or gender identity and when this is coupled with one or more of their other characteristics. Forms, actors, and frequency of gender-based hate speech is very much widespread in the whole region. However, online sexism shows that women are disproportionately affected – especially young women and girls, women journalists, politicians, public figures and women's human rights defenders. While attacks on men are more often based on their professional opinions or competence, women are more likely to be subject to sexist and sexualised abuse and invective, the extremity of which may be magnified by the anonymity offered by the Internet. As stated in Council of Europe Recommendation CM/Rec(2019) on preventing and combating sexism, while racist hate speech is recognised as contrary to European and international human rights standards, the same is not always true of sexist or misogynist hate speech, and current policies and legislation at all levels have not been able to adequately address the issue.

Gender represents the second highest category of hate speech in monitoring media results, with 31% of all recorded cases. This includes sexism, sexual harassment and misogyny. Hate speech on this basis is most often recorded as an independent basis, while in several cases it is registered in combination with ethnicity and migrants (but gender is still the primary - the first basis recognised). Gender was also the secondary basis of hate speech in cases of ethnicity-based hate speech.

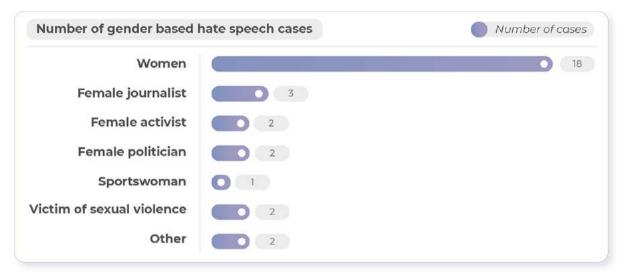
In most recorded cases, hate speech was against women because of their gender (18 out of 31 cases). This includes insults and negative group labelling, by using gender stereotypes, prejudices, and gender roles. But, in 9 cases hate speech is very clearly directed towards women because of their gender and the work they do. These include their journalistic work (5 cases), activist work (2 cases), political engagement and sports career (1 case per category). Here again appears a connection with the negative discourse on migrants, where in 3 out of 5 cases hate speech against a female journalist was directed because of their reporting on migrants. Hate speech against women victims of sexual violence, including rape survivors, was reported in two cases. Exposure to slander, and further stigmatisation and victimisation of targets is extremely harmful not only to the victims who are being written about, but also sends a much broader and more serious message to a society in which gender-based violence should be prevented instead of justified and encouraged.

^{14.} G.M. Trojica migranta brutalno pretučena u Bihaću, policija smatra da je riječ o osveti, klix.ba, 10.2.2021.

https://www.klix.ba/vijesti/crna-hronika/trojica-migranta-brutalno-pretucena-u-bihacu-policija-smatra-da-je-rijec-o-osveti/210210069

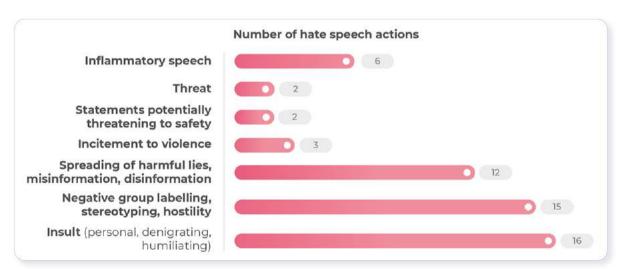
^{15.} The European Commission against Racism and Intolerance (2015), General Policy Recommendation no.15 on combating hate speech.

Council of Europe (2019), Recommendation CM/Rec(2019)1 of the Committee of Ministers to member States on preventing and combating sexism. https://rm.coe.int/cm-rec-2019-le-sexism/1680a217ca



Graph 3: Number of gender based hate speech cases towards the individuals or groups against whom it is directed

On actions which constitute hate speech, most common are insults (18 cases) and negative group labelling, stereotyping, hostility (15 cases). Spreading of harmful lies, misinformation, and disinformation is also common (12 cases). Like most examples, instances of hate speech usually come in a combination of categories, rarely falling under one category. When it comes to gender-based hate speech, combinations consist of negative group labelling, insult spreading of harmful lies, inflammatory speech. According to the monitoring results threats and statements potentially threatening to safety are the least represented, while misuse of personal data is not recorded in this form.



Graph 4: Number of hate speech actions per reported cases

Hate speech was used by both public figures, including representatives of political parties and authorities, and anonymous citizens. Gender-based hate speech appears in the content created by the media (traditional and online media), in the statements they transmit, but also in (anonymous) comments on articles. Very often social networks are a place where either misogynistic content is published, or sexism is posted in comment threads related to content about women or that is written by women.

Some of examples of gender-based hate speech are:

- On his Facebook page, Elvedin Pezić Islamic lecturer promotes his own views, interpreting them as the views of Islam. He writes quite often about women, advocating the thesis that a woman should be at home and raise children, not work and pursue a career: "Western society morally collapsed the moment they took the woman out of the house, and then when the woman became everything but MOTHER!!!"
- Nidžara Ahmetašević is a journalist and activist and she called the police because of improperly parked cars. A problem arose after Nidžara started filming police officers during the intervention. She was subsequently deprived of her liberty. The Antimigrant website published the headline: "Well-known fan of "people on the move" Nidžara Ahmetašević arrested for disturbing public order and peace by disparaging an authorised person".
- Bh. politician Lana Prlic posted a picture of herself being vaccinated and urging others to do the same. This post was commented on by more than 30 thousand people, most of them anti-vaccination advocates. The comments were sexist and offensive: "You better post a picture, how you clean the bathroom or cook lunch". 18
- N1 Television journalist Emela Burdžović hosted scientists and politician Damir Marjanović on her show, and they talked, among other things, about founding his new party. In response to the program Ekran.ba called the journalist a "starlet journalist", and her guest "a circus scientist and political agent of the "Miroslav Tuđman office". 19

Sexual Minorities (Homophobia)

Anti-LGBTQ+ hate speech is often closely entwined with broader anti-gender discourse and includes discrimination based on sexual orientation, gender identity, gender expression and sex characteristics. Combating rising hate against LGBTQ+ people in Europe²⁰ recognise increase in hate speech, violence, and hate crime against LGBTQ+ people, communities, and organisations. A significant proportion of hate speech, vilification and scapegoating of LGBTQ+ people, as well as broad attacks on the exercise of their civil rights, have come from political figures and leaders, including government representatives, as well as from religious leaders.

In 2020, Sarajevo Open Centre documented 2 cases of hate speech and incitement to violence and hatred, which is a significant reduction compared to hate speech against LGBTQ+ persons in 2018 (39) and 2019 (105).²¹ In this media monitoring, 10 cases of hate speech against LGBTQ+ persons were registered, which places this category as fourth by frequency. Hate speech against sexual minorities comes in combination with ethnic hate speech in 4 recorded cases, while in combination with migrant status in one case. The remaining 5 cases are classed only as homophobia.

Anti-LGBTQ+ hate speech is directed at LGBTQ+ population or community (2 cases), LGBTQ+ person (2 cases) and LGBTQ+ public persons (2 cases), while in 3 cases includes migrants and the LBGTQ+ population. Interestingly, similar to ethnic-based and anti-migrant hate speech, hate speech against persons who support the LGBTQ+ community is also visible, particularly politicians who walk on Sarajevo Pride.

As for constitutive examples of hate speech, most common are insults (8 cases) and negative group labelling, stereotyping, and hostility (4 cases). Insults appear as a singular category in most cases. No threats, statements potentially threatening to safety incitement to violence, or misuse of personal data were identified.

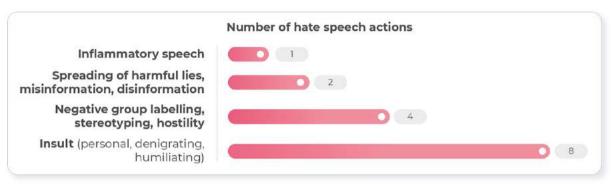
^{17.} Poznata ljubiteljica "ljudi u pokretu" Nidžara Ahmetašević uhapšena zbog narušavanja javnog reda i mira omalovažavanjem ovlaštenog lica. Antimigrant.ba, 6.3.2021. https://antimigrant.ba/poznata-ljubiteljica-ljudi-u-pokretu-nidzara-ahmetasevic-uhapsena-zbog-narusavanja-javnog-reda-i-mira-omalovazavanjem-ovlastenog-lica/

^{18.} Prlić Lana, Facebook profile, https://www.facebook.com/prlic.sdp

^{19.} Starlet-novinarka Burdžović promovira Marjanovićeve cirkuske tačkel. Ekran.ba, 19.2.2022. http://ekran.ba/?p=11564

^{20.} Committee on Equality and Non-Discrimination in the Parliamentary Assembly of the Council of Europe (2022), Combating rising hate against LGBTQ+ people in Europe. https://assembly.coe.int/LifeRay/EGA/Pdf/TextesProvisoires/2021/20210921-RisingHateLGBTI-EN.pdf

^{21.} Hasanbegović Delila et al. (2022), Pink Report 2021. Annual Report on the State of the Human Rights of LGBTQ+ People in Bosnia and Herzegovina. https://soc.ba/site/wp-content/uploads/2021/11/Pink-Report-2021.pdf



Graph 5: Number of hate speech actions per reported cases

Much anti-LGBTQ+ hate speech occurs online, especially on social media. Failure to moderate hate speech on social media amounts to condoning hateful language and incitement, creating fertile ground for this form of hate speech to proliferate. Within the monitoring period, politicians and websites were those who promoted this anti-LGBTQ+ discourse.

Some of examples of anti-LGBTQ+ hate speech are:

- Ivan Begic, a member of the PDP in Banja Luka (opposition party in Republika Srpska), resigned after being black
 mailed for months over a private porn film. The film was released and since Begić is also an LGBT person, he was
 the target of numerous derogatory comments, threats and blackmail. Begic is a close associate of the mayor
 of Banja Luka, and the media and individuals announced on social networks that the two of them were in the
 video, including a photomontage alluding to the poster of the film Titanic, which shows pictures of the two
 politicians, with the title KITANIK (kita means penis).
- The antimigrant.ba website reports daily on migrants in BiH, in a language full of hatred and insults: "Pianist Fuad, a ravishing fagot from Morocco... Ooooo, has he gotten married so far?" 22

Migrants and refugees

Media representation of immigrants and ethnic minorities has a significant influence on public opinion. The media can play a role in combating racist and xenophobic views or conversely reinforce such attitudes.²³ BiH has seen significant migration flows²⁴ in the last five years and intolerance towards migrants and refugees is often present. This intolerance features heavily in the public sphere with examples of problematic discourse from politicians and the media sector. Terms such as 'Illegal migrants', 'persons whose identity is not known', 'criminals', 'migrant crisis', 'potential terrorists', 'drug addicts', 'rapists' were used in statements and reporting about migrants and refugees in BiH.²⁵ According to the project Raskrinkavanje,²⁶ a local fact-checking media organisation, migrants and refugees are the most often targeted marginalised group. By observing the BiH media for two and a half years, Raskrinkavanje found that 213 fake reports involving migrants and refugees were published, while many more (over 700 articles) contained negative reporting.

Media content on migrants and refugees has increased in the BiH media since 2018, and reporting on migrants and refugees in BiH media often links them crime and diseases with sensationalist and discriminatory titles about massive fights between migrants and refugees and their alleged attacks on citizens and their property.²⁷

^{22.} Klavirista FUAD, zanosni peder iz Maroka... Ooooo, da li se udao dosad?. Antimigrant.ba, 19.2.2021. https://antimigrant.ba/arhiv-klavirista-fuad-zanosni-peder-iz-maroka-ooooo-da-li-se-udao-dosad/

^{23.} Council of Europe (1995), Recommendation 1277 - Migrants, ethnic minorities and media.

http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=15311&lang=en

^{24.} BiH became and an active part of the so-called Balkan Route at the end of 2017. From 2017 until October 2020, over 67,000 people entered the country.

^{25.} Ahmetašević Nidžara, (2020) Bosnian media: killing migrant solidarity with hate speech.

https://www.media-diversity.org/bosnian-media-killing-migrant-solidarity-with-hate-speech

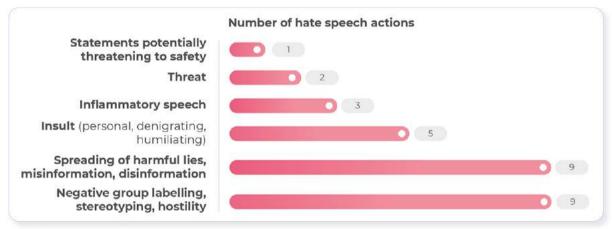
^{26.} Cvjetićanin Tijana, editor (2020), Preko margine: Dezinformacije o marginaliziranim grupama u bh. medijima. Udruženje građana "Zašto ne". https://zastone.ba/app/uploads/2020/10/Preko-margine. Istra%C5%BEivanie.pdf

^{27.} Sokol Anida (2020) Hate Narratives in the Media and User-generated Content: Bosnia and Herzegovina. SEENPM, Peace Institute, Foundation Mediacentar Sarajevo. https://seenpm.org/wp-content/uploads/2020/12/Resilience-research-publication-2-BiH-English.pdf

Research by the Association of BiH journalists showed that migrants and refugees in the media are often stigmatised, portrayed as perpetrators and dangerous persons or are less frequently shown as victims while authors most often use assumptions, anonymous sources (usually citizens) and non-verified information.²⁸

As noted in all the previous chapters that include media monitoring of hate speech on ethnicity, gender, and LGBTQ+ people, migrants were often targeted in unison with other categories of hate speech. Additionally, in 12 cases, hate speech against migrants was recorded exclusively. In total, 12% of recorded cases of hate speech are directed exclusively at migrants. In some of these cases migrants were described as "drunk and drugged", "bandits", called "intruders", "visitors from East", while one case referenced female journalists who cover the topic of migration: "migrant bandits and whore journalists".

Most common actions of hate speech against migrants are negative group labelling, stereotyping, hostility and spreading of harmful lies, misinformation, and disinformation (in 9 out of 12 cases). No examples of incitement to violence or misuse of personal data were recorded.



Graph 6: Number of hate speech actions per reported cases

Anti-migrant hate speech is most prolific on right-wing nationalist news websites followed by politicians who use their status as public figures to drum up fear with false data and promote anti-migrant discourse.

Some examples of anti-migrant hate speech are:

- · The Patria news agency published information on the number of crimes committed by migrants. The information is incomplete because it does not contain data on the total number of crimes committed in the same period. So it is impossible to make an analysis or comparison. ²⁹
- · The member of the Presidency of Bosnia and Herzegovina, Milorad Dodik, stated: "The migrant crisis looks more and more like the process of colonisation that we had in the former Yugoslavia in the last century". 30

Other targets of hate speech

Very much linked to ethnicity and migrants, religion appeared in 5 cases as a target of hate speech. In all cases it was in relation to another specific, already elaborated target, such as: the LGBTQ+ population, migrants, and public persons who are speaking about their rights; a group of people who emigrated from Israel to BiH; religion and women. These cases involved negative group labelling, stereotyping, hostility; insults (personal, denigrating, humiliating); spreading of harmful lies, misinformation, disinformation; and inflammatory speech. Other cases were uncategorised.

^{28.} Adilagić Rea (2019), Od viktimizacije do demonizacije: Gdje je istina? Istraživanje o načinima izvještavanja medija o migrantima i izbjeglicama. Udruženje BH. Novinari. <u>purnalists.net/wp-content/uploads/2019/02/od viktimizacije do demonizacije gdje je istina BHN feb 2019.pdf</u>

^{29.} Podaci za 2020: Migranti u Sarajevu počinili 115 krivičnih djela, četiri ubistva i pet pokušaja, nap.ba, 1.3.2021. https://nap.ba/news/76651

^{30.} Dodik: Migrantska kriza mi sve više liči na proces kolonizacije, slobodnaevropa,ba, 2.11.2019.

Sentiment analysis

In this reporting period, a total of 100 cases of hate speech were registered by media monitoring. Within the scope of this research, we analyzed each case of hate speech by giving them a score between 1 and 6, depending on the level of intensity of the assessed affective reaction, or sentiment triggered by the event.

Individual marks for each score are:

- 16 cases of hate speech are marked with 1 (Disagreement)
- 26 cases of hate speech are marked with 2 (Negative actions)
- 20 cases of hate speech are marked with 3 (Negative character)
- 21 cases of hate speech are marked with 4 (Demonising and dehumanising)
- 15 cases of hate speech are marked with 5 (Instigation of violence)
- 2 cases of hate speech are marked with 6 (Death)

Adding up the scores for all 100 cases of hate speech gives us an average score of 3. Most of cases of hate speech fall in the range between 2 and 4. Only 2 cases are scored with the highest mark of 6. These cases are related to the statements by politicians who are the members of one of the leading political parties in Bosnia and Herzegovina.

Member of the Presidency Milorad Dodik visited a village near Banja Luka, where he sang the song "When the Serb Brothers Agree" with the locals. Only a short part of the video was published on the Twitter account of his SNSD party, in which Dodik sings the verse "When the Serb brothers agree", but it is clear that this is a song that, among other things, sings "Oj Ustashas, deep pit is awaiting for you, it is one meter wide and one kilometer deep.").

On the other hand, cases scored with a 1 are examples of hate speech directed at the female population or migrants or people who are helping migrants. Cases scored with a 2 are mostly committed by journalists, media personnel, and media writers/analysts.

Comparative analysis

By targeting individuals, which is evident within ethnic and gender-based hate speech, hate narratives are usually directed towards publicly profiled individuals whose professions are very clearly defined. For example, ethnic hate speech targets politicians, and gender hate speech targets women journalists and politicians. These narratives reproduce existing prejudices and stereotypes while calling for intolerance in order to discredit or create/maintain otherness. When it comes to groups, it is clear that narratives are formed around migrants (as dangerous, threatening, and unwelcome), women (as subordinates, incompetent, and defined by gender roles) and ethnicity interestingly emphasising victims of genocide as a group around which a hateful narrative has been created. Politicians, religious leaders, LGBTQ+ people are also targeted as groups. However, narratives are intertwined and thus intolerance is expressed, i.e. linked, through various forms of hate speech towards migrants who are gay, the ethnicity of women politicians, migrants and people working with/helping migrants.

In most cases, hate speech was expressed through negative group labelling (in total 61 cases). This category is accompanied by hate speech expressed through using insults (in total 48 cases) and then the spreading of harmful lies (in total 36 cases). It is important to note that hate speech often combines categories, including all three of these categories together and with them also threats, misinformation, disinformation, statements potentially threatening to safety, incitement to violence, inflammatory speech and misuse of personal data. Findings show that the categories of hate speech that is used depends on who the target of the hate speech is. For example, negative group labelling was used as most common action for ethnic and migrant based hate speech. Insults, however, were mostly used for women and LGBTQ+ persons.

The majority of cases of hate speech occurred on online media, by politicians (such as Milorad Dodik, Member of BiH Presidency and Bakir Izetbegović, President of the Party of Democratic Action), public figures, influencers and thematically-oriented news websites. This is not a novelty in the analyses of hate speech in BiH conducted so far, but it indicates that this is not a phenomenon that exists as such, but is actually turning into a tendency to grow. Finally, it is alarming that all of the above has a very negligible institutional response, i.e. that there is no adequate legal or media regulatory action to stop or prevent hate speech in traditional and online media.

Who commits and promote hate speech?

The case studies conducted for BiH³¹ demonstrate that the mainstream media and the leading politicians in the country are one of the primary sources and disseminators of hate narratives towards the selected target groups, particularly towards migrants and refugees and the political opposition. These narratives are further exaggerated through user-generated comments. Findings from this monitoring show that online media and leading politicians are those who not only use hate speech but are promotors of narratives against specific groups. Info portals make up 42% of the media that published hate speech in the observed period. This includes hate speech towards various targets, while some of the news websites specifically target certain groups (such as the anti-immigrant portal). 15% of the total registered cases of hate speech were recorded on Facebook profiles. The same goes for the combination of traditional and social media. Followed by Twitter with 13%. Hate speech was least common on television (6%) and newspapers (1%).

The high prevalence of hate speech on online media can be interpreted through at least two segments: changes in audience habits regarding preferred media (transition from traditional to online/social media), but also very poor regulation of hate speech in this area. Regarding the first contextual circumstance, the monitoring data indicate that the range of content that these media and social networks host is very large. For example, some of the social media posts could be assessed, by looking at the number of the likes or follower count (data from monitoring indicates: "This post has 2,7 K likes, but his Facebook page has 297,451 followers"; "This Facebook page has 66.662 followers"; "More than 30.000 people commented"). Thus, the placement of content that contains hate speech, or encourages it, reaches a very large audience. On the other hand, poor or non-existent regulation of such content means its normalisation in public discourse. This phenomenon is extremely dangerous, because what happens online does not stay exclusively there. Hateful narratives are rapidly spreading and spilling over from online into everyday life, supporting or creating an intolerant, discriminatory and undemocratic environment.

As mentioned above, research indicates "divisive and inflammatory rhetoric has moved online and social media and comments sections of online media are permeated with derogatory language and hate speech, mostly exchanged between ethno-national groups, Bosniaks, Serbs and Croats, but also targeting migrants, women, LGBTQ+ and Roma communities. Death threats, discriminatory language and insults targeting individuals and journalists are also present on online media and in user-generated content, with female journalists being particularly targeted". Data from this monitoring indicated that there is a trend of targeted hate speech towards groups (such as migrants) and that it contains serious elements of security threats. However, an important factor are the actors who present such types of hateful narratives in the public sphere. The monitoring showed that in most cases they are political officials, then public figures and finally organised online media (which do not transmit but create content based on hate speech).

^{31.} Sokol Anida (2020). Hate Narratives in the Media and User-generated Content: Bosnia and Herzegovina

Preventive and ex post actions to combat hate and disinformation narratives

Hate speech processing in BiH is very limited. Legal proceedings under criminal law are rare and most often relate to the criminal offense of inciting national, racial and religious hatred, discord and intolerance in all criminal laws in B&H. Slightly more cases have been recorded for prohibited hate speech under the BiH Election Law, but even in these proceedings, due to procedural errors, a sanction is actually not imposed, and the act is not legally qualified as hate speech. Misdemeanour proceedings are also rare, and according to available data, about 80% of hate incidents that are reported remain in the reporting phase, i.e. no further prosecution is provided.³³

On other occasions, sanctions have been imposed in the framework of employment (it is particularly worrying because they come from persons employed in the civil service and the security sector) for hate speech, such as:

- For attacking journalist Eldin Hadžović, attacker V.H., member of the Armed Forces of Bosnia and Herzegovina was disciplined;
- For threats and hate speech attacks against journalist Zinaida Đelilović, A.Č., an employee of the Ministry of Human Rights and Refugees was punished by a three-month salary reduction of 15%.

Research monitoring included overview of responses to registered cases of hate speech. Out of 100 registered cases of hate speech only three were reported and processed. However, even in those cases, due to procedural mistakes, two were annulled while one was reported to a self-regulatory body which cannot issue legally binding decisions. This shows the fragility of regulatory and legal responses to the rising trend of hate speech. At the same time, there have not been any efforts from politicians, public figures or representatives of institutions to condemn and prevent such narratives.

As previously pointed out, the self-regulatory body conducts investigations into instances of hate speech in the BiH media, but the scope of these recommendations is limited because they are not legally binding. Although self-regulatory policy is important in this area, it is necessary to point out that under the current circumstances it is simply not enough. The "STOP! Hate Speech" campaign has been implemented by the Press and Online Media Council in BiH since 2020 with the aim of protecting freedom of expression and preventing hate speech online by monitoring, warning and removing comments on online media containing incitement and hate speech. Within this initiative, some of the online media introduced tools for combating hate speech related to comments on their websites. Example of this is the popular portal Klix.ba, which introduced commenting rules that include, among other things, permission to comment only by registered users; refraining from insults, swearing and vulgar expression is required. At time of writing, 1,405,614 comments have been reported due to hate speech; 2,286,937 comments have been removed and 31,548 users have been banned.

In terms of good non-institutional practice in combating hate speech, recent BIRN Bosnia and Herzegovina's database - "Mapping Hate",³⁴ documents hate speech, discriminatory rhetoric, the incitement of hatred and the denial of genocide and other war crimes in BiH.

Finally, it is important to emphasise the importance of media literacy programs, which are an essential factor in educating the public. Numerous programs have been implemented so far, or are being implemented now, which may improve online discourse in the long-term. Also, it should certainly free the online sphere of the perception of impunity and uncontrolled promotion of hate speech.

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^{34.} https://mapiraniemrznie.detektor.ba/

Conclusion

The cultural and historical context in which hate speech is developed and proliferates in BiH has shaped both the forms and the content of this phenomenon in BiH. A deeply ethnically divided society, in which the media either lacks political independence, promoting the narratives of powerful actors, or where critical independent media is seen as an enemy of the system, is a fertile ground for hateful narratives that are neither legally nor socially sanctioned. The fact that this monitoring also demonstrated a high level of hate speech based on ethnicity, related to religion, politics and 90s war, actually indicates that BiH society has not moved far from the post-war narratives that form the backbone of political parties. Those who propagate hate speech the most are BiH politicians. This is strong evidence that the media space remains open to hateful narratives, without adequate regulation and without a systemic solution.

To combat hate speech, all actors must be involved: legislators, the media, public figures and the public. This means harmonising legislation between traditional offline media and online media, but also changing editorial policies (beginning with transparency regarding ownership and authorship) and ultimately continuous initiatives focusing on media literacy. However, the fact is that there are no comprehensive strategies to combat hate speech in BiH. Strategy should include better cooperation between the competent institutions and the self-regulatory body, the establishment of monitoring for hate speech and the involvement of the authorities in campaigns against hate speech.

Changes in the shaping and spread of hate speech to groups other than ethnic and minority groups (e.g. gender, religious), such as migrants and people working with migrants, are visible. Now hate speech is frequently observed in the online sphere; it is promoted by influencers with a significant number of followers, and comment threads associated with the content they post which act as a platform for further inflaming hate speech. Also, new websites are becoming central to anti-migrant narratives. Hate speech did not originate online, but it is an environment where, thanks to a lack of inhibition (due to anonymity), easy accessibility and lack of regulation, hate speech is rapidly being created and disseminated. It is this segment that makes it essentially dangerous. It is important to remember: what happens online doesn't stay online.

U.N. human rights spokeswoman Liz Throssell in January 2022 warned on rise of hate speech in BiH and Serbia, warning it could incite violence: "The failure to prevent and sanction such acts, which fuel a climate of extreme anxiety, fear, and insecurity in some communities, is a major obstacle to trust-building and reconciliation".³⁵

Any democratic society should stop this practice, regardless of whether it is directed towards ethnic groups, gender, migrant communities or individuals. This, especially, is case for emerging democracies, such as BiH, with a recent difficult past. It should also be emphasised that hate speech in BiH is not an isolated case – many misinterpreted, misused, neglected democratic processes and reforms resulted in twisted and normalised anti-democratic values including constant revival, instead of dealing with, hate among citizens. Accompanied with heavy brain-drain, a lack of trust in state institutions, the media and the exercise of human rights is drastically declining, while narratives that are essentially intolerant and denying freedoms to various Others are growing.

Under the guise of freedom of expression, threats, insults, endangering security, incitement to hatred, misinformation fill the BiH's media space. Responsibility for the content created does not imply unlimited freedom to spread false news, slander and incitement to hatred - where hate speech begins, freedom of speech ends. The public sphere and the media is therefore a battlefield where hate speech can flourish, but it is also a place where it can be stopped. The question is, given the complexity of the BiH context, whether policies and commitment to combating hate speech will be translated from pure principle into real and systemic action.



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MONITORING REPORT ON HATE SPEECH IN BOSNIA AND HERZEGOVINA





